

Appendix E

Wetland/Coastal Zone Management Related Permits and Consistency Determinations

E-1. Purpose. This appendix provides guidance for obtaining permits required for actions involving dredging or alteration of river and stream beds, discharge of dredge or other fill material (whether to land, navigable waters or wetlands), occurring in proximity to or within wetlands and vernal pools, construction of dams and dikes in navigable waters, construction of structures on or near coastal zone areas (including but not limited to piers, wharfs, weirs, booms, breakwaters, bulkheads, revetments, riprap, jetties, permanent mooring structures, power transmission lines, permanently moored floating vessels, pilings, aids to navigation, other obstacles or obstructions, pier stabs, emplacement of temporary floating causeways excavation of causeway “duck ponds”, beach excavation, intertidal zone excavation, and dune alteration or encroachment and may involve temporary or permanent structures including their maintenance, repair, and replacement). Such activities are under the regulatory jurisdiction of the Corps of Engineers and various State and local agencies and require prior authorization via the joint permit program.

E-2. Applicable Regulations.

- a. Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403).
- b. Army Corps of Engineers Permit Program Regulations (33 CFR 320-330).
- c. Section 404 of the Clean Water Act (33 USC 1251 et seq.).
- d. Coastal Zone Management Act (CZMA) (16 USC 1451-1464).
- e. Code of Virginia, Title 62.1, Waters of the State, Ports and Harbors.
- f. Code of Virginia, Title 28.2 – 1308.

E-3. Applicability. This Appendix applies to all DoD and US Army tenant activities and all non-DoD tenants whose action/project takes place on Fort Eustis or Fort Story.

E-4. Policy. It is installation policy to:

- a. Maintain at least a one hundred (100) foot buffer from all wetlands.
- b. Avoid filling, excavation of, digging in, driving of vehicles in, releasing hazardous substances into, destruction or removal of vegetation associated with (whether floating, emergent or submerged) or any other activity that otherwise damages, degrades or alters, wetland areas without an approved permit.
- c. Avoid excavating, digging, altering or damaging any coastal area, beach, or primary dune, and associated vegetation without an approved permit.
- d. When possible, group similar actions into one single application rather than treating them separately.
- e. For ongoing or repeated similar activities, it is preferable to get one permit to cover a long time period, rather than treating each exercise separately.
- f. Plan actions well in advance to compensate for time needed by regulatory agencies to process permits. Permit applications for wetlands and coastal area activity (as described in paragraph 1 PURPOSE) are reviewed by the US Army Corps of Engineers, Virginia Department of Environmental Quality, Virginia Marine Resources Commission and respective municipal Wetlands Board (Newport News Wetlands Board is responsible for the Fort Eustis area and the Virginia Beach Wetlands Board is responsible for Fort Story). The authority of VMRC and Wetlands

Boards exceed the scope of wetland areas. The importance of identifying requirements well in advance cannot be overemphasized.

g. Activities undertaken without appropriate authorization may lead to legal action taken against the offending party.

h. Prepare Coastal Zone Consistency Determinations (CZCD) for all projects involving potential or known impacts or alterations of wetlands, subaqueous lands (such as river or stream beds and intertidal areas), and dunes.

(1) CZCD will determine whether a project is consistent with the provisions of the Coastal Zone Management Act.

(2) This document is submitted to the Virginia Department of Environmental Quality which is afforded a 60-day review period.

(3) CZCD are prepared for all Environmental Assessments and submitted to federal and state regulatory agencies with Environmental Assessments.

E-5. Responsibilities.

a. Proponents for all actions requiring a permit will:

(1) Review its proposed exercises, training activities, construction projects and other actions. If any of these actions involve regulated activities listed in paragraph 1 above (PURPOSE), the proponent will submit a request for permit application processing and a completed Joint Permit Application (JPA) at least 6 months prior to proposed action to DPW Environmental and National Resources Division (ENRD).

(2) Complete the basic form JPA and any applicable appendices. The proponent is responsible for providing maps, drawings, and descriptions of the proposed actions as described in the JPA. The JPA is downloadable from <http://www.nao.usace.army.mil/Regulatory/PN/JPA.html>. Proponents will then submit the JPA to ENRD for processing.

(3) Coordinate with ENRD, DPW for a meeting and/or site visit to discuss the proposed action.

(4) Be responsible for all associated fees and reimburse ENRD through a cost transfer.

(5) Comply with all requirements stated on the approved permit.

(6) Report any permit violations to ENRD immediately.

(7) When possible, group similar actions into one single application rather than treating them separately.

(8) For ongoing or repeated similar activities, it is preferable to get one permit to cover a long time period, rather than treating each exercise separately.

b. Proponents of actions will prepare a CZCD in accordance with Virginia regulations and submit to ENRD for review.

c. ENRD, DPW will:

(1) Submit the JPA to the US Army Corps of Engineers-Norfolk District and Virginia Marine Resources Commission.

(2) Provide a public notice for permit applications, as applicable.

(3) Provide application fee for permit applications, as required but will be reimbursed by the proponent through cost transfer.

(4) Provide assistance to proponents in preparation of permit applications and CZCD.

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